

PUBLIC LAWS OF THE 105th CONGRESS
PERTINENT TO THE AUTHORITIES OF
THE U.S. ARMY CORPS OF ENGINEERS

PL 105-18 **Emergency Supplemental Appropriations, FY 1997** (H.R. 1871)

Provides \$8.9 billion in emergency funding for disaster relief, military operations and various other programs and Federal agencies to supplement FY 1997 allocations. The Act provides \$5.4 billion in disaster assistance for flood victims in the Midwest, including in North Dakota; winter flood and storm damage in Yosemite National Park, and flood-recovery efforts along the Ohio River. Suspends reviews mandated by the Endangered Species Act for flood-control projects if it is determined that the repairs are necessary to prevent an imminent disaster. It also provides \$1.8 billion to reimburse the Defense Department for ongoing operations such as peacekeeping in Bosnia and enforcement of the no-fly zone over Iraq. Directs that, beginning in FY 1997, U.S. members and alternates appointed under the Susquehanna River Basin Compact and the Delaware River Basin Compact shall be Presidentially appointed and Senate-confirmed Regular Army officers of the Corps of Engineers.

PL 105-19 **Volunteer Protection Act** (S. 543)

Grants nonprofit volunteers immunity from civil liability except in extraordinary circumstances. To be awarded punitive damages, the measure requires plaintiffs who sue nonprofit organizations to present "clear and convincing evidence" that a volunteer demonstrated "willful or criminal misconduct, gross negligence, reckless misconduct or flagrant indifference" to the rights of the individual harmed by the volunteer. None of the provisions supersede state law in instances where those laws offer volunteers and volunteer organizations more protections. "Volunteer" is defined as an individual performing services for a nonprofit organization or a governmental entity who does not receive compensation or any other thing in lieu of compensation in excess of \$500 per year.

PL 105-36 **National Geologic Mapping Reauthorization Act** (H.R. 709)

Reauthorizes the 1992 National Geologic Mapping Act, (PL 102-285), which for the first time set a cap on what the USGS could spend on map production and research. It authorizes \$26 million in FY 1998, \$28 million in FY 1999 and \$30 million in FY 2000. The measure authorizes the spending of 20 percent of the money on matching funds for state geologic maps, or STATEMAP. The maps are used to pinpoint safe-drinking water and earthquake-prone areas, and to assess mineral-rich areas. In addition to reauthorizing the mapping programs, the number of members on the Geologic Mapping Advisory Committee is reduced from 16 to 10, maintaining the ratio of Federal, State and outside representatives.

PL 105-45 **Military Construction Appropriations Act, FY98** (H.R. 2016)

Provides \$9.2 billion in appropriations for military construction projects for FY 1998 (about \$800 million more than requested by the President and \$610 million less than the amount appropriated in FY 1997). The law funds the costs of barracks, family housing and NATO infrastructure, as well as base-closing expenses. The "Military Construction, Army" appropriation of \$721,027,000 is for acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property.

PL 105-56 **Defense Appropriations Act for FY98** (H.R. 2266)

Appropriates \$247.7 billion for defense programs in FY 1998 (\$3.6 billion more than the President requested in fiscal 1998), including funds for major weapons systems and equipment, including the national missile-defense system; operations and maintenance of military facilities; military personnel; military research and development; defense-related agencies such as the CIA, and all Pentagon operations except military construction. The Act sets a deadline for withdrawing troops from Bosnia and funds B-2 "stealth" bomber activities - either production or upgrade/repair. The President exercised his line item veto authority to cancel \$144 million in discretionary budget authority for 13 projects in this Act, including one Air Force operation and maintenance and procurement project, 12 research, development, test, and evaluation (RDT&E) projects (4- Army, 2-Navy, 3-Air Force, and 3-Defense-wide).

PL 105-57 **National Wildlife Refuge System Improvement Act** (H.R. 1420)

Amends the law (PL 89-669) that governs the nation's 509 refuges to set unified guidelines by standardizing and updating rules that govern the federal wildlife refuge system. Specifies conservation as the singular "mission" of the refuges, which had not been clearly spelled out in the previous authorization. The Act gives the Fish and Wildlife Service 15 years to complete detailed conservation plans for each refuge. Codifies a policy that gives refuge managers discretion over hunting, fishing and observatory activities on the land. The Act acknowledges an executive order (E.O.) that President Clinton signed during the 104th Congress. The E.O. recognizes recreational activities such as photography, hunting and fishing as "priority, general-public uses of the refuge system" but maintains conservation as the sole purpose of the system.

PL 105-62 **Energy and Water Development Appropriations Act for FY98** (H.R. 2203)

Appropriates \$20.7 billion for energy and water programs in FY 1998 (\$1.9 billion less than requested). The Act funds water projects built and operated by the Army Corps of Engineers (\$4 billion) and the Bureau of Reclamation as well as the Energy Department's nuclear-weapons, science and energy-research programs. Provides a \$70 million subsidy for the Tennessee Valley Authority (TVA). Defense activities covered under the legislation are appropriated \$11.5 billion, including \$4.2 billion to maintain the nation's nuclear-weapons stockpile and \$5.5 billion for cleanup efforts. Nuclear-defense cleanup efforts receive \$5.5 billion. President exercised the line-item veto to cancel the dollar amounts of discretionary budget authority in connection with the following projects contained in the Act: (1) dredging of Lake George, Hobart, Indiana; (2) removal of debris and sediment from the channel of Neabsco Creek, Prince William County, Virginia; (3) dredging of Sardis Lake, Mississippi; (4) dredging of Chena River, Fairbanks, Alaska; (5) dredging of Allegheny River, Pennsylvania; (6) In-situ Copper Mining Research Project, Applied Science and Technology Program, Bureau of Reclamation; (7) Department of Energy, Bureau of Energy Efficiency and Renewable Energy program for a research and development partnership to manufacture electric transmission lines using aluminum matrix composite materials; and (8) Nuclear Regulatory Commission multi-purpose canister licensing.

PL 105-85 **National Defense Authorization Act for Fiscal Year 1998** (H.R. 1119)

Authorizes \$268.2 billion for defense programs in FY 1998 (about \$2.6 billion more than requested). The Act authorizes funding for military personnel; major weapons systems and equipment, including the national missile-defense system and B-2 Stealth bomber (\$331 million); and operations, maintenance and military construction (\$9.2 billion). The Act prohibits funding for U.S. ground troops in Bosnia after 30 June 1998, but it allows the troops to stay there if the President certifies that doing so is in the national security interest. The Act increases from 40 percent to 50 percent the amount of work that can be performed by private contractors on military depots. The Act includes for military construction projects.

The Act provides a 2.8 percent pay raise for military personnel, \$22.1 million to increase pay for hazardous duty, and increases family separation allowances from the current \$75 a month to \$100.

PL 105-104 **Apalachicola-Chattahoochee-Flint River Basin Compact** (H.J.RES. 91)

Grants congressional approval to an interstate water compact. The Act gives the Federal government's consent to a compact between Alabama, Florida, Georgia and the United States for the Apalachicola-Chattahoochee-Flint River Basin. The compact establishes a commission for developing water-allocation formulas to apportion the waters equitably by the end of 1998 and sets up a system to resolve water disputes.

PL 105-105 **Alabama-Coosa-Tallapoosa River Basin Compact** (H.J.RES. 92)

Grants Congressional approval to an interstate water compact. The Act gives the Federal government's consent to a compact between Alabama and Georgia to form the Alabama-Coosa-Tallapoosa River Basin Compact. The compact establishes a commission for developing water-allocation formulas to apportion the waters equitably by the end of 1998 and sets up a system to resolve water disputes.

PL 105-132 **Lower Brule Sioux Tribe Infrastructure Development Trust Fund** (S. 156)

Establishes a trust fund to reimburse the Lower Brule Sioux Tribe for land that was lost because of construction of the Pick-Sloan project. The trust fund will be supported by monies from the General Treasury, based on hydropower revenues from the project, until the fund accumulates \$39.9 million. The Tribe can use interest generated from the fund to finance its own economic development. The Act prohibits increasing power rates to raise the money.

P.L. 105-174 **1998 Supplemental Appropriations and Rescissions Act** (H.R. 3579)

Appropriates \$2.9B for Persian Gulf and Bosnia military involvement; \$2.6B for disaster relief. Appropriates \$105.185M to Corps O&M-General for emergency repairs due to flooding and other natural disasters. Directs the Secretary of the Army to use available funds up to the maximum amount authorized per project under sec. 205 to provide a level of enhanced flood protection at Elba, Alabama.

P.L. 105-178 **Transportation Equity Act for the 21st Century** (H.R. 2400)

Authorizes funds for national transportation projects. Reauthorizes ISTEA. Section 1212 directs the transfer of St. Georges Bridge in Delaware to the State of Delaware and, if necessary, to facilitate retransfer to private entity. Section 1214 authorizes \$3M per year to the Department of Transportation for 3 years for Ft. Peck Visitors Center and \$800K for Reservoir Access Roads in Missouri. Section 1309 allows the Secretary of Transportation to approve a request by a State to provide project funds to Federal agencies to be used to meet any expedited time limits established under this section.

P.L. 105-261 **National Defense Authorization Act for FY 1999** (H.R. 3616)

Authorizes total appropriations of \$271B for FY99. Authorizes \$18.5B for military construction accounts; border patrol use of military personnel for illegal immigrants and drugs. Section 1045 provides that the pay or compensation paid by the United States for personal services for Federal employees at a hydroelectric facilities owned by the United States and located on the Columbia River, with portions within the States of Oregon and Washington, and at hydropower facilities located on the Missouri River, with portions within the States of South Dakota and Nebraska, shall be subject to taxation by the State or any political subdivision thereof of which such employee is a resident.

P.L. 105-265 **Great Lakes Fish and Wildlife Restoration Act** (H.R. 1481)

Repeals Title II of PL 101-646 and amends Title I of PL 101-537 to 1) authorize funds for the Department of the Interior to operate the Great Lakes Coordination Office, the Upper Great Lakes Fishery Resources Office and the Lower Great Lakes Fishery Resources Office, 2) direct the Fish and Wildlife Service to encourage the

development and implementation of fish and wildlife restoration proposals considered appropriate in carrying out the recommendations contained in the "Great Lakes Fishery Resource Restoration Study" submitted to Congress in 1995. Authority and responsibility for the control and eradication of sea lamprey from the Great Lakes Basin is retained in the Great Lakes Fishery Commission. The requirement for non-Federal cost sharing for implementation of restoration proposals of not less than 25% does not apply to the cost of establishing sea lamprey barriers.

PL 105-270 **Freedom From Government Competition Act** (S. 314)

Requires the head of each executive agency (agency) to annually submit to the Director of the Office of Management and Budget a list of their functions that, in the judgment of the agency, are not inherently governmental functions. The entry for each activity on the list is to include 1) the fiscal year for which the activity first appeared on a list prepared under this section, 2) the number of full-time employees (or its equivalent) that are necessary for the performance of the activity by a Federal Government source, and 3) the name of a Federal Government employee responsible for the activity from whom additional information about the activity may be obtained.

Directs the Director of the Office of Management and Budget to review each list for a fiscal year and consult with the agency regarding the content of the final list for that fiscal year.

Upon the completion of the review and consultation regarding a list of an executive agency - 1) the agency shall promptly transmit a copy of the list to Congress and make the list available to the public; and 2) the Director of the Office of Management and Budget shall promptly publish in the Federal Register a notice that the list is available to the public.

After the notice of the public availability of a list is published, the agency is directed to review the activities on the list and each time that the agency considers contracting with a private sector source for the performance of such an activity, it shall use a competitive process to select the source (except as may otherwise be provided in other laws, Executive orders, regulations, or any executive branch circular setting forth requirements or guidance that is issued by competent executive authority).

PL 105-277 **Omnibus Consolidated and Supplemental Emergency Appropriations Act, 1999** (H.R. 4328)

A compilation of eight appropriations bills, emergency supplemental funding, and various authorizations, Provides about \$487 billion for mandatory and discretionary spending, which includes nearly \$20.5 billion in emergency money to fund projects such as troop deployment in Bosnia and natural disaster relief. Includes \$1.9 billion in Defense spending, which had been left out of PL 105-262, to keep U.S. troops in Bosnia and \$3.4 billion to assist Federal agencies in dealing with the **Year 2000 computer problem**.

Provides for payment to the District of Columbia for a study in consultation with the Corps of necessary improvements to the **Southwest Waterfront in DC**.

Authorizes the District of Columbia to place orders for engineering and construction and related services with the Corps for the repair and improvement of the **DC's public school facilities**, on a reimbursable basis in FY99 and each fiscal year thereafter.

Transfers **Land Between the Lakes (Tennessee and Kentucky) Recreational Area** from the Tennessee Valley Authority to the U.S. Forest Service. Nothing in this transfer is to affect the jurisdiction of the Corps to manage water levels and navigation.

Appropriates an additional \$35M for **Columbia River Fish Mitigation**.

Makes available to the Department of Transportation \$700,000 provided for the Federal Lands Program in Fiscal Year 1999 for the Corps of Engineers to study **rural access in Alaska**.

Directs the Corps to use \$1.5M previously appropriated in the civil works Construction-General account for the **Lackawanna River, Scranton, Pennsylvania**, project to initiate construction of the **Delaware River Mainstem and Channel Deepening, Delaware and New Jersey**.

Directs the Corps to use \$400K previously appropriated in the civil works Construction-General account for the Lackawanna River, Scranton, PA, project to initiate a comprehensive review of the aquatic ecosystem restoration initiatives in the **Upper Susquehanna-Lackawanna Watershed** under the Aquatic Ecosystem

Restoration (sec 206) program.

Subject to enactment of authorizing legislation, the Corps is directed to use \$340K to initiate construction of the **Pierre, South Dakota, flood mitigation project**. The authority is subsequently provided.

Authorizes the **Grand Forks, North Dakota, East Grand Forks, Minnesota** Flood Damage Reduction Project subject to the completion of a Chief's Report not later than December 31, 1998.

Directs the Corps to use \$1.5M for water-related environmental infrastructure and resource protection and development projects in **Allegheny County, South Central Pennsylvania**.

Authorizes and directs the Corps to use \$750K for engineering and design, and repair of the **Archusa Dam, Quitman, Mississippi**.

Makes available \$2.5 M in additional **Mississippi River and Tributaries** funds for emergency repairs and dredging due to flooding.

Provides that \$99.7M of Civil Works **Operation and Maintenance funds for emergency repairs and dredging** due to flooding, of which such amounts for eligible navigation projects which may be derived from the Harbor Maintenance Trust Fund, shall be derived from that Fund.

Modifies the authority for the **Beach City Lake, Muskingum River Basin, Ohio**, project.

Makes available \$33.821K from the DC Water and Sewer Enterprise Fund for the **Washington Aqueduct**.

Directs terrestrial wildlife habitat mitigation; Corps recreation site transfers to **the State of South Dakota, the Cheyenne River Sioux Tribe, and the Lower Brule Sioux Tribe**; and land transfers to the two Indian tribes and State.

Appropriates \$12M for the Army to acquire real property and carry out a military construction project at **Camp Casey, Korea**.

P.L. 105-312 **National Wildlife Refuge System Improvement Act of 1998 (Title II of Rhino and Tiger Product Labeling Act (H.R. 2807)**

Transfers to the Corps of Engineers, without reimbursement, 37.36 acres of Upper Miss. R. Wildlife and Fish Refuge, Minnesota, as designated on the map entitled "Upper Mississippi National Wildlife and Fish Refuge lands transferred to Corps of Engineers", dated January 1998.